

TENNESSEE STATE BOARD OF EDUCATION		
APPLICATION AND EMPLOYMENT		5106
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

**Application.** An individual desiring a position with an authorized charter school shall apply to the school leader or designee on forms developed by the school. To ensure the safety and welfare of students and staff, the charter school shall require criminal history background checks and fingerprinting of applicants for teaching positions and any other positions that require proximity to children.<sup>i</sup>

Knowingly falsifying information shall be sufficient grounds for termination of employment and shall also constitute a Class A misdemeanor which must be reported to the District Attorney General for prosecution.<sup>ii</sup>

Any costs incurred to perform these background checks and fingerprinting shall be paid by the applicant. Each authorized charter school may adopt a policy for reimbursing applicants.<sup>iii</sup>

**Professional Employees.** The application shall include whether such applicant has been dismissed for cause from a school system. If previously employed by a local board of education, the applicant shall provide evidence of acceptable resignation.

No person shall be employed by an authorized charter school:

- (1) Who does not provide a transcript of credits earned at the colleges or universities attended;
- (2) Who does not hold a valid license to teach from the State Board of Education;<sup>iv</sup>
- (3) Who does not present a physician's certificate showing a satisfactory health record or who has any contagious or communicable disease in such form that might endanger the health of school children if there is a reasonable suspicion that an individual has a contagious or communicable disease<sup>v</sup>;
- (4) Who has not complied with the Immigration Reform and Control Act of 1986<sup>vi</sup>;
- (5) Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America<sup>vii</sup>;
- (6) Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
- (7) Who does not receive a satisfactory background check.<sup>viii</sup>

**Support Employees.** No person shall be employed by an authorized charter school:

- (1) Who does not present a physician's certificate showing a satisfactory health record or has any contagious or communicable disease in such form that might endanger the health of

school children if there is a reasonable suspicion that an individual has a contagious or communicable disease<sup>5</sup>;

- (2) Who has not complied with the Immigration Reform and Control Act of 1986<sup>6</sup>;
- (3) Who refuses to take and subscribe to an oath to support the Constitution of the State of Tennessee and of the United States of America<sup>7</sup>;
- (4) Who fails to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause; or
- (5) Who does not receive a satisfactory background check.

**Human Resources.** Each authorized charter school shall adopt human resources policies that address the following:

1. How employees are hired<sup>ix</sup>;
2. The extent to which employees may provide professional services outside the school<sup>x</sup>;
3. The provision of fringe benefits, including leave and insurance<sup>xi</sup>;
4. The use of recruiting expenses to attract personnel<sup>xii</sup>;
5. Reimbursement for relocation costs<sup>xiii</sup>;
6. Compensation guides and contracts for certified personnel;
7. Salary schedule approval;
8. Differentiated pay;
9. Emergency and legal leave;
10. Sick leave, personal and professional leave, extended leave of absence, family and medical leave, maternity leave, physical assault leave; and
11. Vacation and holidays.

**Highly Effective Teachers and Paraprofessionals.** Each authorized charter school shall have a process in place to ensure that licensed, highly effective teachers and paraprofessionals are hired, including a formal plan to recruit, and strategies/incentives to retain highly effective educators, including teachers and paraprofessionals from diverse backgrounds.

**Reporting Employee Misconduct.** The school leader or designee shall report anyone holding an educator license from Tennessee who is suspended, terminated, or resigns in lieu of termination to the Office of Educator Licensing at the Tennessee Department of Education using the form provided by the state of Tennessee within thirty (30) days of the action.<sup>xiv</sup>

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Legal References:

- <sup>i</sup> T.C.A. § 49-5-406(a)(1)
- <sup>ii</sup> T.C.A. § 49-5-406(a)(2)(A)
- <sup>iii</sup> T.C.A. § 49-5-413(c)
- <sup>iv</sup> T.C.A. § 49-5-403; T.C.A. § 49-5-101
- <sup>v</sup> T.C.A. § 49-5-404; TRR/MS 0520-01-03-.08(2)(f)
- <sup>vi</sup> Immigration Reform and Control Act of 1986;  
Pub. L. No. 99-603, 100 Stat. 3359
- <sup>vii</sup> T.C.A. § 49-5-405
- <sup>viii</sup> T.C.A. § 49-5-413(d)(3)(B) and T.C.A. § 49-5-413(e)(7)
- <sup>ix</sup> 2 C.F.R. § 200.430(a)(2)
- <sup>x</sup> 2 C.F.R. § 200.430(c)
- <sup>xi</sup> 2 C.F.R. § 200.431
- <sup>xii</sup> 2 C.F.R. § 200.463(b)
- <sup>xiii</sup> 2 C.F.R. § 200.464
- <sup>xiv</sup> TRR/MS 0520-02-03-.09(5)

Cross References:

Background Investigations 5118